

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

ANTHONY T. LEE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff-Intervenor	)	
and Amicus Curiae,	)	
	)	
NATIONAL EDUCATION ASSOCIATION, INC.,	)	CIVIL ACTION NO.
	)	3:70cv846-T
Plaintiff-Intervenor,	)	(WO)
	)	
v.	)	
	)	
MACON COUNTY BOARD OF EDUCATION,	)	
et al.,	)	
	)	
Defendants.	)	

**PROPOSAL IN RESPONSE TO ORDER OF JUNE 27, 2005**

In an order dated June 27, 2005, this Court stated that "the parties should now move toward 'unitary status' for this school system and for the termination of this litigation." As ordered by the court, counsel for the United States conferred with counsel for private plaintiffs and with counsel for the defendants, Macon County Board of Education (board). Counsel have agreed upon a proposal as to how this case should proceed. This proposal was also discussed with counsel for the Alabama State Department of Education.

The following schedule has been agreed to by counsel for the parties.

1. Since substantial information has already been provided by the board in response to private plaintiffs request related to the proposed school closure and construction petition, counsel for the private plaintiffs and United States will advise the board of any additional information requests by August 16, 2005. The board will provide this information no later than August 23, 2005.
2. Counsel for the plaintiffs and United States will complete a review of the information provided no later than September 30, 2005.
3. Counsel for the parties will confer no later than October 7, 2005 to determine whether the board may proceed with filing a motion for declaration of unitary status and termination of the litigation or, if not, what steps should be taken to attain unitary status.
4. The parties recommend that the court hold a status conference to discuss these issues after October 7, 2005, and that the parties report to the court the position of the parties prior to the status conference. If the parties agree that the board should file a motion to terminate jurisdiction, the status conference would serve as a scheduling conference so that the following can be set: when the board would file its motion for declaration of unitary status and termination of the litigation; form

and time of notice to class members, including deadline for comments and objections; and date for fairness hearing. If the parties do not agree that dismissal is appropriate, they will propose a time schedule for resolving the issues and for moving the district toward unitary status.

Respectfully submitted this 12<sup>th</sup> day of August, 2005

LAURA GARRETT CANARY  
United States Attorney

BRADLEY J. SCHLOZMAN  
Acting Assistant Attorney General  
Civil Rights Division

/s/Pauline A. Miller  
JEREMIAH GLASSMAN  
PAULINE A. MILLER  
U.S. Department of Justice  
Civil Rights Division  
Educational Opportunities Section  
950 Pennsylvania Ave., N.W. PHB 4300  
Washington, DC 20530  
Tel: 202-514-2179  
FAX: 202-514-8337

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of August, 2005, I electronically served the foregoing *United States Proposal in Response to June 27, 2005 Order* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Deborah Hill Biggers (counsel for Macon County Board of Education) and Fred D. Gray Jr., (counsel for Lee plaintiffs and NEA plaintiff-intervenor). I further certify that Copies were served electronically to Norman J. Chachkin (counsel for Lee plaintiffs) and Reginald Sorrells (counsel for the Alabama State Department of Education).

/s/Pauline A. Miller

Pauline A. Miller